

DOCKET NO.: 211381US0CONT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
MIKIO TAKAIWA, ET AL. : EXAMINER: RAO, MANJUNATH N  
SERIAL NO: 09/920,954 :  
FILED: AUGUST 3, 2001 : GROUP ART UNIT: 1652  
FOR: ALKALINE PROTEASE :

RECEIVED  
JUN 11 2003  
TECH CENTER 1600/2900

RESPONSE TO REQUIREMENT FOR RESTRICTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Requirement for Restriction of April 7, 2003, Applicants elect, with traverse, Group I, Claims 1-3, drawn to an alkaline protease enzyme.

REMARKS

The Office has required restriction in the present application as follows:

- Group I: Claims 1-3, drawn to an alkaline protease enzyme;
- Group II: Claim 4, drawn to a polynucleotide encoding an alkaline protease;
- Group III: Claim 5, drawn to a microorganism producing an alkaline protease; and
- Group IV: Claim 6, drawn to a detergent composition comprising an enzyme.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP §803.

Applicants respectfully traverse the requirement for restriction on the grounds that the Office has not provided adequate reasons and/or examples to support a conclusion of patentable distinctness between the identified groups.

The Office has characterized Groups I-IV as unrelated. The Office states that polypeptide of Group I could be used "to catalyze a hydrolytic reaction". However, the Office has not provide any explanation and/or examples how the polypeptide of Group I could be used as alleged. Therefore the Office has made an unsupported conclusion. Accordingly, Applicants respectfully request withdrawal of the Requirement for Restriction.

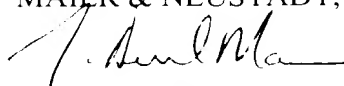
Moreover, Applicants respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application. Applicants note that Groups I and III are classified in class 435, and respectfully submit that a search of all the claims would not impose a serious burden on the Office.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Requirement for Restriction. Withdrawal of the requirement for restriction is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully submitted,

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